

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

ROBERT CASON,

Plaintiff,

v.

MIDDLESEX COUNTY PROSECUTOR  
OFFICE, *et al*,

Defendants.

Civil Action No. 22-5503 (RK) (RLS)

**MEMORANDUM ORDER**

**THIS MATTER** comes before the Court upon Plaintiff Robert Cason's application to proceed *in forma pauperis* ("IFP") together with Plaintiff's Amended Complaint. (ECF Nos. 10, 11). The Court previously denied Plaintiff's IFP application and dismissed his complaint without prejudice with leave for Plaintiff to refile an amended complaint and a proper IFP application. (ECF No. 6.) Plaintiff subsequently filed his pending IFP application and Amended Complaint on November 30, 2023. (ECF Nos. 10, 11.) On December 29, 2023, Plaintiff filed a forty (40) page notice of appeal. (ECF No. 12.) The Third Circuit Court of Appeals has not yet assigned a case number for the appeal. Leave to proceed *in forma pauperis* will be granted in this case as Plaintiff has adequately set forth his basis to proceed without paying the fees pursuant to 28 U.S.C. § 1915(a). In light of the appeal pending before the Third Circuit, the Court will defer screening of the Amended Complaint pursuant to 28 U.S.C. § 1915(e). Therefore,

**IT IS** on this 10<sup>th</sup> day of January 2024, **ORDERED** that:

1. Plaintiff's IFP Application, (ECF No. 11), is **GRANTED**;
2. The Amended Complaint, (ECF No. 10), shall not be filed;

3. Summons shall not issue at this time, as the Court's *sua sponte* screening has not yet been completed;
4. The time to serve process under Fed. R. Civ. P. 4(m) is hereby extended to the date 90 days after the Court permits the Amended Complaint to proceed; and
5. The Clerk of the Court shall send a copy of this Order to Plaintiff by regular U.S. mail.



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**ROBERT KIRSCH**  
**UNITED STATES DISTRICT JUDGE**